UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
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MOOG INC.,

                                 Plaintiff,   Case No.: 22-cv-187-LJV-JJM

          vs.

SKYRYSE, INC. ROBERT ALIN PILKINGTON, MISOOK
KIM, and DOES NOS. 1-50

                              Defendants.
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DECLARATION OF ANTHONY D. GREEN IN SUPPORT OF THE INDIVIDUAL DEFENDANTS' MOTION TO STAY THE ACTION PENDING RESOLUTION OF THE USAO'S PARALLEL CRIMINAL INVESTIGATION

Anthony D. Green, under penalty of perjury and pursuant to 28 U.S.C. § 1746, declares as follows:

1.   I am a member of Winget Spadafora & Schwartzberg, LLP, counsel to Defendants Robert Alin Pilkington ("Pilkington") and Misook Kim ("Kim" and, collectively with Pilkington, the "Individual Defendants"), in this matter.

2.   I submit this Declaration in support of the Individual Defendants' Motion to Stay the Action Pending Resolution of the parallel criminal investigation by the U.S. Attorney's Office for the Central District of California in Los Angeles ("USAO").

3.   Annexed hereto as Exhibit A is a true and correct copy of the transcript of proceedings before the Court in this Action on July 15, 2022.

4.   Annexed hereto as Exhibit B is a true and correct copy of a March 18, 2022 email produced by Plaintiff, which was apparently sent by Plaintiff's in-house counsel to the FBI concerning identification of files allegedly downloaded by Pilkington.

5.   Annexed hereto as Exhibit C is a true and correct copy of Plaintiff's "Moog Inventions, Patents, Copyrights, Trademarks, Confidential Property"; a document that "defines Moog policies, guidelines, and best practices regarding Intellectual Property," in its apparently most recently updated version, which is dated March 14, 2017.

6.   Annexed hereto as Exhibit D is a true and correct copy of the transcript of proceedings before the Court in this Action on May 5, 2022.

7.   Annexed hereto as Exhibit E are true and correct copies of emails produced by Plaintiff between Plaintiff and the FBI, pre-dating the filing of the Complaint and setting ongoing bi-weekly meetings.

8.   The Individual Defendants' criminal defense attorneys have informed us that the USAO has represented that the Individual Defendants are both subjects of the parallel criminal investigation. In both this Action and the USAO's parallel criminal investigation (which was referred by Plaintiff), the Individual Defendants are accused of misappropriating trade secrets and classified information. However, there has never been an identification of either the specific trade secrets or classified information that the Individual Defendants are alleged to have misappropriated by either Plaintiff or the USAO.

9.   Annexed hereto as Exhibit F is a true and correct copy of Defendants' First Requests for Production, directed to Plaintiff.

10.   Annexed hereto as Exhibit G is a true and correct copy of Defendants' First Set of Interrogatories, directed to Plaintiff.

11.   Annexed hereto as Exhibit H is a July 26, 2022 email from Kazim Naqvi, counsel for Plaintiff.

12.   In defiance of the Court's July 22, 2022 Order, Plaintiff has not provided a timeline for its compliance. On the contrary, during the parties' pre-conference meet and confer session, Plaintiff repeated its rejected arguments that it needs to obtain further discovery from the Defendants before it can even provide a specific timeline. Plaintiff's position is, effectively, that the Court's July 22, 2022 has no effect—despite being ordered to produce the information at issue, Plaintiff is under no obligation to do anything other than what it already planned on doing.

13.   Recent discussions with Plaintiff's counsel indicate that Plaintiff also has no intention of ever disclosing critical information needed to prove that any files at issue were truly classified or that Plaintiff properly maintained such materials as required. Plaintiff's reasoning appears to be the nothing more than its own declaration that the files were classified.

Dated: August 3, 2022
        New York, New York   /s/ Anthony D. Green
                                                    Anthony D. Green